

Application Serial No. 10/738,930  
Date February 16, 2006  
Reply to Office Action dated December 16, 2005

Page 6 of 10

REMARKS

Upon entry of this Amendment claims 1-23 are pending in the Application. Claims 1-12 have been withdrawn from consideration. Claims 13-23 currently stand rejected.

Entry of this Amendment under the provisions of 37 C.F.R. § 1.116 is respectfully requested. It is submitted that the Amendments to claims 13, 14, and 23, place the Application in a condition suitable for allowance. Alternately, it is submitted that the Amendments to claims 13, 14, and 23 remove and simplify issues necessary for consideration on appeal. It is submitted that the amendments to claims 13, 14, and 23 are prompted by the Examiner's observations on pages 2 and 3 of the present Office Action. It is submitted that the Amendment presents no new matter that would require additional consideration or search.

The Office Action of December 16, 2005 has been received and carefully considered. In response thereto, this Amendment is submitted. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Reconsideration is, therefore, respectfully requested.

Claim 13 currently stands rejected under 35 U.S.C. § 102(b) as being anticipated by the Juriga reference. Claim 13 has been amended to specify that the water shield consists of means for forming a first layer of hydrophobic air restrictive but breathable face scrim and means for forming a second layer of an open cell polymeric foam as well as means for joining the first and second layers together. It is respectfully submitted that the Juriga reference fails to teach or suggest a water shield consisting of these three elements. In contrast, the Juriga reference is composed of a plurality of layers and sublayers to provide the insulation characteristics disclosed in that reference. The Juriga reference is directed to an insulated laminate particularly configured for use in a vehicle headliner or in nonautomotive structural applications including office partitions (see Juriga, column 1, lines 10-13). The reference lacks any teaching or suggestion of a water shield mountable on a vehicle door consisting of means for forming a first layer of a *hydrophobic*, air restrictive but breathable face scrim together with means for forming a second layer of an open-cell polymeric foam; and means for joining the first and second layers together. The Juriga reference fails to teach or suggest use of a hydrophobic, breathable face scrim. It is submitted that the hydrophobicity of the scrim as set forth in claim 13 contributes to the utility of the configuration in applications such

Application Serial No. 10/738,930

Page 7 of 10

Date February 16, 2006

Reply to Office Action dated December 16, 2005

as automotive doors where exposure to water is possible or probable. The disclosure in Juriga, being directed to a headliner, fails to teach or suggest water shield capacity or capability.

Further, it is submitted that the Juriga reference fails to teach or suggest the hydrophobicity characteristic in combination with a restrictive air flow acoustical absorber. The Juriga reference, directed as it is to a headliner, fails to teach or appreciate a restricted air flow acoustical absorber. In short, the Juriga reference fails to teach, suggest, or appreciate a construction useful for both stopping water and attenuating or minimizing sound in the same device, space, and location. Thus, it is submitted that the Applicants' invention as set forth in claim 13 is not taught, anticipated, or rendered obvious by the Juriga reference.

Claims 14, 15, 17, 19, and 23 currently stand rejected under 35 U.S.C. § 102(b) in view of Thompson. The Examiner indicates that the Thompson reference discloses an acoustical insulating web and a method for attenuating sound waves comprising a laminate of a nonwoven insulation web comprising thermoplastic fibers and a scrim layer. The Examiner indicates that although the Application has amended to claims to include a "consisting of" limitation, the overall claim is still written in open language. Therefore, the Examiner concludes that the shield can still include additional components. Therefore, the Examiner concludes that the Thompson reference still reads on the claimed invention.

Claims 14 and 23 have been amended to specify that the vehicle door shield consists of the laminate defined therein. Because the Thomson reference teaches elements in addition to the first and second layers described in claims 14 and 23, it is submitted that the Thompson reference fails to teach or suggest the currently claimed invention. Additionally, claims 14 and 23 have been amended to specify that the controlled permeability nonwoven scrim is hydrophobic. Support for this is found in claim 13 as originally presented.

It is submitted that the Thompson reference fails to teach or suggest that the scrim layer can have hydrophobicity. Indeed, the Thompson reference makes use of a thermoplastic film to provide desired water impermeability and thus directs the skilled artisan away from the construction set forth in claims 14 and 23.

Claims 15, 17, and 19 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Thompson reference. Claims 15, 17, and 19 depend from independent claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the

Application Serial No. 10/738,930  
Date February 16, 2006  
Reply to Office Action dated December 16, 2005

Page 8 of 10

Applicants' invention is not taught, anticipated, or rendered obvious by the Thompson reference for the reasons discussed previously in conjunction with claim 14.

Claim 18 currently stands rejected under 35 U.S.C. § 102(b) as being anticipated or in the alternative under 35 U.S.C. § 103(a) as being rendered obvious by the Thompson reference. The Examiner contends that, while Thompson fails to disclose the claimed air permeability, it is reasonable to presume that said air permeability is a property inherent to the Thompson et al. invention. The Thompson reference is directed to a voile or generally planar thermoplastic film adapted to act as a water barrier or shield or deflector to which the acoustical insulation web of Thompson is attached. It is respectfully submitted that the use of the film 14 negates air permeability. Thus, it is submitted that the Applicants' invention as set forth in claim 18 is not taught, anticipated, or rendered obvious by the Thompson reference.

Claim 16 currently stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of Klaff. Claim 16 depends from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claim 16 is not taught, anticipated, or rendered obvious by the cited references. For the reasons discussed previously in conjunction with claim 14,

Claims 20-22 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Thompson in view of Potts. The Examiner indicates that the Potts reference discloses a nonwoven laminiferous structure comprising two adjacent nonwoven layers and a scrim layer interposed therebetween. The Examiner indicates that the Potts reference discloses that an additive can be added to the laminate including siloxane containing compounds and that the laminate can comprise an SMS structure. The Examiner concludes that it would have been obvious to employ Potts in view of the Thompson reference. Claims 20-21 depend either directly or indirectly from claim 14 to contain all of the limitations found therein. By this dependency, it is submitted that the Applicants' invention as set forth in claims 20 and 21 is not taught, anticipated, or rendered obvious by the cited references.

Claim 22 depends from claim 14 to specify that the controlled permeability hydrophobic nonwoven scrim is formed as a spun-bond melt-blown spun-bond trilaminate. Previously, the Examiner has cited the Potts reference at column 16, lines 32-36 specifying a trilaminate composed of a polypropylene spun-bonded web, a polypropylene meltblown web

Application Serial No. 10/738,930  
Date February 16, 2006  
Reply to Office Action dated December 16, 2005

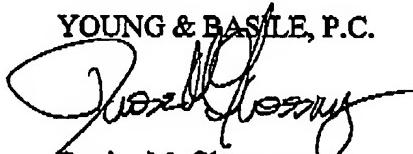
Page 9 of 10

containing an additive that renders the fibers hydrophilic (water wetable), and a polypropylene spun-bonded web. It is submitted that this is indirect contravention to the present invention, which specifies that the first layer is hydrophobic. Thus, it is submitted that the Applicants' invention as set forth in claim 22 is not taught, anticipated, or rendered obvious by the cited references.

In summary, claims 13, 14, and 23 have been amended. Arguments have been presented as to why the Applicants' invention as set forth in claims 13-23 are not taught, anticipated, or rendered obvious by the cited references. In view of this, it is submitted that the Applicants' invention as set forth in these claims is suitable for allowance. A Notice of Allowance is, therefore, respectfully requested.

Respectfully submitted,

YOUNG & BASILE, P.C.



Denise M. Glassmeyer  
Attorney for Applicant(s)  
Registration No. 31831  
(248) 649-3333  
(248) 649-3338 (fax)  
glassmeyer@ybp.com

3001 West Big Beaver Road, Ste 624  
Troy, Michigan 48084-3107

Dated: February 16, 2006  
DMG/ljo